

AO 241 (Rev. 5/85)

PETITION UNDER 28 USC § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

06 - 434

United States District Court		District <u>Sussex</u>
Name <u>Mona Lisa Harrison</u>	Prisoner No. <u>00199337</u>	Case No. <u>No. 107, 2006</u>
Place of Confinement <u>Women's Correctional Institution</u>		
Name of Petitioner (include name under which convicted) <u>Mona Lisa Harrison</u>		Name of Respondent (authorized person having custody of petitioner) <u>State of Delaware</u>
The Attorney General of the State of: <u>Delaware</u>		

PETITION

1. Name and location of court which entered the judgment of conviction under attack Superior Court of the State of Delaware / Sussex County Courthouse / The Circle, Suite Georgetown, Del. 19947
2. Date of judgement of conviction March 31, 1988
3. Length of sentence Life / with parole
4. Nature of offense involved (all counts) First Degree Attempted Robbery, Poss. of Deadly weapon during commission of a Felony, Conspiracy 2nd, Murder 1st Poss. Deadly weapon commission Felony, murder 1st Poss. deadly weapon commission felony, Poss. destructive weapon.
5. What was your plea? (Check one)

(a) Not guilty	<input type="checkbox"/>
(b) Guilty	<input checked="" type="checkbox"/>
(c) Nolo contendere	<input type="checkbox"/>

If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details:

6. If you pleaded not guilty, what kind of trial did you have? (Check one)

(a) Jury	<input type="checkbox"/>
(b) Judge only	<input type="checkbox"/>
7. Did you testify at the trial?
Yes ☐ No ☐
8. Did you appeal from the judgement of conviction?
Yes ☐ No ☐

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9. If you did appeal, answer the following:

- (a) Name of court _____
- (b) Result _____
- (c) Date of result and citation, if known _____
- (d) Grounds raised _____

(e) If you sought further review of the decision on appeal by a higher state court, please answer the following:

- (1) Name of court _____
- (2) Result _____
- (3) Date of result and citation, if known _____
- (4) Grounds raised _____

(f) If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to each direct appeal:

- (1) Name of court _____
- (2) Result _____
- (3) Date of result and citation, if known _____
- (4) Grounds raised _____

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal?

Yes ☒ No ☐

11. If your answer to 10 was "yes," give the following information:

- (a) (1) Name of court Supreme Court of the State of Delaware
- (2) Nature of proceeding Appeal for postconviction relief
- (3) Grounds raised Ineffective Counsel - "I felt pressured to take the plea" Counsel told me I "would" be found

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guilty of First degree Murder. My lawyer said I was guilty of murder, if for no other reason - because I knew about the robbery. I felt I was guilty because my lawyer said I was.

- (4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☐ Not Sure - don't think so

(5) Result _____

(6) Date of result _____

- (b) As to any second petition, application or motion give the same information:

(1) Name of court _____

(2) Nature of proceeding _____

(3) Grounds raised _____

- (4) Did you receive any evidentiary hearing on your petition, application or motion?

Yes ☐ No ☐

(5) Result _____

(6) Date of result _____

- (c) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?

(1) First petition, etc. Yes ☒ No ☐

(2) Second petition, etc. Yes ☒ No ☐

- (d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

12. State *concisely* every ground on which you claim that you are being held unlawfully. Summarize *briefly* the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

CAUTION: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies as to each ground on which you request action by the federal court. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

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For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed if you have exhausted your state court remedies with respect to them. However, *you should raise in this petition all available grounds* (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (j) Denial of right of appeal.

A. Ground one: Ineffective Counsel (i)

Supporting FACTS (state briefly without citing cases or law) I felt pressured to take the plea, my lawyer told me "I would be found guilty of first degree Murder if I went to trial. He said I was guilty of murder, if for no other reason, because I knew about the robbery. I felt I was guilty because he said I was. Coercion."

B. Ground two: (A) Conviction obtained by plea of guilty Ineffective counsel

Supporting FACTS (state briefly without citing cases or law) I (defendant) was twenty years of age and was naive to law matters. Counsel did not legally inform me correctly. He stated I'd still be young when I was released and told me to take the plea. He said State didn't want to afford bill for trial.

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- C. Ground three: Ineffective counsel - plea which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea
 Supporting FACTS (state briefly without citing cases or law) (A) Defendant was a young woman facing a serious charge which caused her both stress and duress. She had a very traumatic incident or event happen. Psychological trauma puts a person in a different state of mind. Under such conditions, a person can not make serious decisions for themselves.

- D. Ground four: Ineffective Counsel - ill informed of different sentence reductions - i.e., postconviction relief, sentence reduction request

Supporting FACTS (state briefly without citing cases or law) Was not informed I could have had my sentence reduced. It's stated that the court may reduce sentence of imprisonment on a motion made within 90 days after sentence is imposed. Was given no knowledge of or told about being able to do this. Counsel did not inform me correctly on any of this, I feel I was taken advantage of.

13. If any of these grounds listed in 12A, B, C, and D were not previously presented in any other court, state or federal, state briefly what grounds were not so presented, and give your reasons for not presenting them: Ground three, which involves psychological trauma. Wasn't sure what it was called or the definition of this illness. Had it explained to be by a doctor.

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgement under attack?
 Yes ☒ No ☐

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

- (a) At preliminary hearing No counsel / T. Henely Graves
*note: Mr. Graves was my counsel in 1987
- (b) At arraignment and plea No counsel / T. Henely Graves

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(c) At trial no counsel(d) At sentencing T. Henely Graves(e) On appeal None(f) In any post-conviction proceeding None / pro se(g) On appeal from any adverse ruling in a post-conviction proceeding None / pro se

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?

Yes ☐ No ☒

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes ☐ No ☒

(a) If so, give name and location of court which imposed sentence to be served in the future: _____

(b) Give date and length of the above sentence: _____

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes ☐ No ☐ not sure

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

Signature of Attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

July 9, 2006
(date)

Mona Lisa Harrison
Signature of Petitioner

Mona Harrison
660 Baylor Blvd.
New Castle, Del. 19720



United States District Court
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